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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

ARTHUR HERNANDEZ MARTINEZ,

Defendant and Appellant.

B257794

(Los Angeles County
Super. Ct. No. NA095498)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Henry J. Hall, Judge. Affirmed.

Heather E. Shallenberger, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

One of the members of Arthur Hernandez Martinez's family told him to move out of his elderly cousin's house. While still inside the house that evening, Martinez insulted the 12-year-old son of his cousin's live-in caregiver. Martinez also wielded a gun and threatened to shoot the caregiver's friends, who were visiting her at the time. Martinez then fired the gun once, and the caregiver's friends fled. The caregiver reported the incident to the police.

When the police arrived, Martinez refused to surrender or to allow his cousin to leave the house. The officers entered the house approximately 13 hours later to arrest Martinez, and he argued with them and disobeyed their commands. The officers ultimately kicked Martinez to the ground and took him into custody.

PROCEDURAL BACKGROUND

The People charged Martinez in an information with one count each of discharging a firearm with gross negligence (Pen. Code, § 246.3, subd. (a)),¹ resisting an executive officer (§ 69), child abuse (§ 273a, subd. (a)), and three counts of assault with a firearm (§ 245, subd. (a)(2)). With respect to all counts other than resisting an officer, the People alleged that Martinez personally used a firearm in committing the offense (§ 12022.5, subd. (a)). Martinez pleaded not guilty and denied the special allegations.

Jury trial commenced and, following the People's presentation of their evidence, counsel for Martinez moved for judgment of acquittal on all counts. The trial court granted the motion as to the child abuse charge (count 4). The following day, the court

¹ Statutory references are to the Penal Code.

granted the People's motion to amend the information to charge Martinez with assault with a firearm against the caregiver's son (count 7).

Martinez did not testify. Robert Hill, an investigator for the Office of the Los Angeles County Public Defender, testified about interviews he conducted with various witnesses for the People.

The jury found Martinez guilty of discharging a firearm with gross negligence and of two counts of assault with a firearm, found true the accompanying firearm-use allegations, and found Martinez guilty of resisting an executive officer. The jury acquitted Martinez of two counts of assault with a firearm, including count 7.

The trial court referred Hernandez to the Department of Corrections and Rehabilitation for a diagnostic study (§ 1203.03). After reviewing the diagnostic study, the trial court imposed an aggregate state prison term of 16 years.

DISCUSSION

We appointed counsel to represent Martinez on appeal. After examining the record, counsel filed an opening brief raising no issues. On April 20, 2015 we advised Martinez he had 30 days in which to personally submit any contentions or issues he wanted us to consider. We have not received a response.

We have examined the record and are satisfied that Martinez's attorney on appeal has fully complied with the responsibilities of counsel and there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

ZELON, J.